

REMARKS

This paper is filed in response to the Office Action mailed August 23, 2005 regarding the above-referenced application in which claims 1-57 were pending. Claims 8, 9, 14, 17, 28, and 37 remain withdrawn from consideration. Claims 1, 3-6, 10-13, 15, 16, 18, 20-24, 27, 29-33, 36 and 38-51 were rejected in the Office Action. Claims 2, 7, 19, 25, 26, 34 and 35 are objected to. By this paper, independent claims 1, 18, 29, 38-40, and 43 have been amended and dependent claims 4, 6, 9, 12-13, 16, 21, 27, 30, 36, 41-42, 44-45 have been amended. Claims 46-57 are cancelled. New independent claims 59, 62 and 64 are added and new dependent claims 58, 60, 61, 63 and 65 are added.

The independent claims were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 3,048,177 to Takaro. The amended independent claims include the following limitation: "wherein the apparatus is configured to remain in one's body after the end of the graft vessel is anastomosed to the side of the receiving vessel." In contrast, Takara discloses a device which is used to temporarily couple blood vessels so that they can be anastomosed by suturing. The coupling device of Takara does not remain in one's body as indicated at column 3, lines 37-50.

Independent claims 39, 43, and 62 also recite that "the first compression plate, the second compression plate and the mated locking components are configured to cooperate together to anastomose the end of the graft vessel to the side of the receiving vessel with the receiving and graft vessel portions held in contact together directly between the holding tabs of the first compression plate and holding tabs of the second

compression plate." Independent claims 18, 29, 38, 59, 64 recite a nearly identical limitation except that the second compression plate is recited as having a holding surface instead of holding tabs. Claims 1, and 40 recite a nearly identical limitation; the only difference is the reference to "mated locking components" is replaced with "locking means." As indicated above, the sutures are the structures which achieve anastomosis in Takaro not the clamps and the bolts of the temporary coupling device.

The temporary coupling device for anastomosing vessels together via sutures as disclosed by Takaro couples vessels together in an end-to-end configuration. The claims have been amended to limit their scope to devices used for end-to-side anastomosis.

Independent claims 18 has been amended to recite that "the holding tabs extend from said first compression plate with a length that is sufficiently short to permit the receiving vessel portion to extend through the first compression plate opening with a length sufficient for the receiving vessel portion to be everted over the first plurality of holding tabs at least partially around the first compression plate opening." Independent claims 29, 38, 39, 43, 59, 62, and 64 have been amended to recite an identical or similar limitation. Claims 1 and 40 recite a nearly identical limitation; the only difference is the reference to "holding tabs" is replaced with "holding means." The height of clamp members 12, 18, 24, and 30 in Takaro would prevent the sidewall of a receiving vessel from being used in the manner recited in the independent claims. There is no suggestion in Takaro to modify the height of the clamp members of the end-to-end coupling device to permit it to be used for end-to-side anastomosis as recited.

Independent claim 1 recites that "the first holding means is shaped to hold the receiving vessel portion in a configuration such that when the receiving vessel portion and the graft vessel portion are anastomosed together there is an uneven distribution of force against the receiving vessel portion around the receiving vessel opening caused by the shape of the first holding means and due to the inability of the second holding means to fully extend into any spaces of the first holding means." Independent claim 38 recites that "the holding tabs of the first compression plate are shaped to hold the receiving vessel portion in a configuration such that when the receiving vessel portion and the graft vessel portion are anastomosed together there is an uneven distribution of force against the receiving vessel portion caused by the shape of the holding tabs and due to the inability of the holding surface to fully extend into any spaces of the first holding means." Claim 39 recites that the holding tabs of the first compression plate are positioned relative to the holding tabs of the second compression plate such that when the receiving vessel portion and the graft vessel portion are anastomosed together there is an uneven distribution of force against the receiving vessel portion and the graft vessel portion caused by the shape of the holding tabs of each compression plate, the relative position of the holding tabs of the first compression plate to the holding tabs of the second compression plate, and due to the inability of the holding tabs of each compression plate to fully extend into any spaces between the holding tabs of the opposite plate. As described at page 61, line 5 to page 62, line 9 in the Application, the holding tabs on each plate are separated from an adjacent holding tab by a space and the each holding tab is oriented towards a space on the opposing plate. The holding

tabs of one plate permit the holding tabs of the opposite plate to enter into these spaces in a mated configuration. However, as shown in FIG. 3A, the size of the holding tabs of one compression plate relative to the spaces between the holding tabs of the opposite compression plate prevent the holding tabs of each plate from fully extending into the spaces on the opposite. In contrast, FIG. 4 of Takaro shows surfaces which are symmetrical mirror images so that teeth 15, 21, 26, and 32 can fit together in a manner which enables the tips of the teeth to fully extend to the valley of each space between the teeth. The disadvantage of such a configuration is that the teeth can be pushed to close together and cut through the vessels. As described at page 61, lines 14-23, it is desirable to avoid such excessive compression of the tissue.

Independent claims 62 and 64 recite that "the first and second compression plates are snap-fit compression plates that are configured such that the mated locking components snap into place when the compression plates are brought together. Dependent claim 61 recites a similar limitation in means-plus-function format and is identical to the limitation recited in dependent claim 2.

Dependent claims 23 and 32 were also rejected under 35 USC §103(a) as being unpatentable over Takaro. In light of the arguments above with respect to Takaro, it is respectfully asserted that this rejection is now moot.

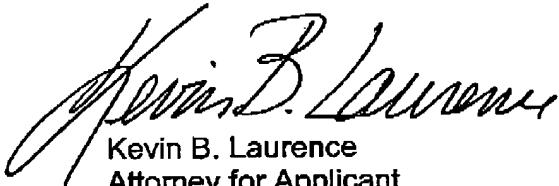
Dependent claims 58 and 65 are identical to dependent claim 25. Dependent claims 60 and 63 are identical to dependent claim 26.

Since the independent claims are patentable, the dependent claims are patentable for the same reasons. In view of the foregoing, it is believed that all of the

claims are patentable in their present form, and a prompt notice of allowance for this case is respectfully requested. As mentioned above, if the Examiner finds any remaining impediment to the prompt allowance of this application, please contact the undersigned attorney.

DATED this 23<sup>RD</sup> day of FEBRUARY 2006.

Respectfully submitted,



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